

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No. 136 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

=====

1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of
the judgment ?

4 Whether this case involves a substantial question of
law as to the interpretation of the constitution of
India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

=====

KIRITSINH DALPATSINH DEVDHARA

Versus

NILESHBHAI HIRABHAI PATEL AND ANOTHER

=====

Appearance :

MR NV GANDHI for Appellant.

None for Respondent No.1.

MR M.IQBAL A SHAIKH for Respondent Nos.1.2.1,1.2.2 - 2.

MR JITENDRA MALKAN for PURVISH J MALKAN for Respondents
No.1.2.1,1.2.2 - 2.

=====

CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 12/03/2007

ORAL JUDGMENT

1) By filing this Appeal from Order, the appellant, who is the original plaintiff of Special Civil Suit No.3/2006 has challenged the order dated 27-4-2006 passed by the learned trial Judge below Exh.5 application in

the aforesaid suit, by which learned trial Judge has rejected interim injunction application submitted by the plaintiff.

2) At the time of hearing of this appeal, it is submitted by Mr.J.M.Malkan, learned advocate for the respondents that his clients, i.e., original defendants no.1/1, 1/2 and defendant no.2, will not transfer, sell, alienate or deal with the property in any manner during the pendency of the suit, so that there may not be any further complications.

3) In view of aforesaid statement of learned advocate for respondents, Mr.Gandhi, learned advocate for the appellant seeks permission to withdraw this Appeal from Order.

4) Permission to withdraw this appeal is granted and, in view of the statement of Mr.Malkan, the respondents are restrained from transferring, selling, alienating or dealing with the suit property in any manner during the pendency of the suit and rest of the order of the trial Court is not disturbed by this Court. Accordingly, this Appeal from Order is disposed of as withdrawn with no order as to costs.

(P.B.Majmudar, J.)

/malek